

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**TRANSDATA, INC.,**

**Plaintiff,**

**v.**

**OKLAHOMA GAS & ELECTRIC  
COMPANY,**

**Defendant.**

Case No. CIV-11-1032-C (MHT)

**JURY TRIAL DEMANDED**

**PLAINTIFF TRANSDATA, INC.'S RESPONSE IN OPPOSITION TO  
DEFENDANT'S MOTION TO FOR AN EXTENSION OF TIME TO ANSWER  
THE COMPLAINT**

Plaintiff TransData, Inc. ("TransData") hereby opposes Defendant Oklahoma Gas & Electric Company's ("OG&E") motion for a sixty (60) day extension of time to answer or otherwise respond to TransData's Complaint for infringement of TransData's patents.

TransData served its Complaint on OG&E on September 21, 2011. On October 4, roughly a week prior to its original response deadline, OG&E counsel contacted TransData counsel to seek a sixty-day extension of time to answer or otherwise respond to the Complaint. At that time, TransData counsel explained that while TransData may be amenable to a shorter extension of two to four weeks (and had indeed provided extensions of similar durations to other Defendants in co-pending actions), it did not believe an extension as lengthy as that sought by OG&E is warranted. Without further discussion with TransData counsel, OG&E notified TransData several days later of its intention to file the instant motion seeking a sixty-day extension.

TransData's complaint is conventional and pleads only a single cause of action, patent infringement, with regard to three TransData patents that cover similar subject matter. OG&E is a large, sophisticated litigant with sophisticated counsel familiar with patent infringement cases such as this. While TransData appreciates OG&E's representations that it needs more time to analyze the complaint and related issues, the sixty-day extension OG&E seeks is excessive and likely to cause prejudice to TransData.

Specifically, on October 5, 2011, TransData moved to consolidate this case and other cases pending in Texas, Alabama, Georgia, and Mississippi in a Multi-District Litigation ("MDL") with co-pending actions before Judge Davis in the Eastern District of Texas. DE # 12, *Notice of Motion to Transfer Filed With the Judicial Panel on Multidistrict Litigation*. Transfer and consolidation in this manner are warranted because the seven actions involve entirely common questions of fact and law, and TransData expects that the MDL motion will be granted because it will promote the convenience of the parties and witnesses and the just and efficient adjudication of the actions. Granting the lengthy extension to answer or otherwise respond that OG&E seeks, however, will place this case behind the others and may disrupt the orderly progress of this case alongside the co-pending actions in the MDL. Moreover, OG&E has not demonstrated why a shorter, two to four week extension will cause it prejudice that might be avoided by the lengthy extension it seeks.

For the foregoing reasons, TransData respectfully requests that this Court deny Defendant OG&E's motion for a sixty day extension and Order OG&E to timely answer or otherwise respond to the Complaint.

Respectfully submitted this 19<sup>th</sup> day of October, 2011.

Respectfully submitted,

s/R. Scott Thompson

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*Attorneys for Plaintiff TransData, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on the 19<sup>th</sup> day of October, 2011, I electronically filed the foregoing with the Clerk of the Court of the U.S. District Court, Western District of Oklahoma, using the electronic case filing system of the Court, which will send a notice of electronic filing to the following counsel of record:

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